

#8
CBUT
PATENTS
6/13/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kenneth Michael PARTINGTON et al.

Serial No. 09/601,477
(PCT/GB99/00194)

PCT Legal Office
Box PCT
Attention: DO/EO

Filed October 23, 2000

BATTERY

PETITION UNDER 37 C.F.R. 1.182

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

The present application is the 35 U.S.C. 371 National Stage of International Application PCT/GB99/00194 which listed Kenneth Michael PARTINGTON, and David Colin SMITH as inventors.

The undersigned Registered Patent Attorney was recently informed that the second named inventor, namely, Mr. David Colin SMITH changed his name to David Colin **BROWN** after the International application was filed.

In accordance with Section 605.04(c) of the Manual of Patent Examining Procedure (MPEP), there is submitted herewith a copy of a declaration duly executed on December 1, 2000 by Mr. David Colin BROWN (formerly SMITH), together with a copy of the Deed Poll document dated July 23, 1999.

A careful review of these documents will reveal that the declaration is signed with both names, namely the former name of David Colin SMITH, as well as the current name of David Colin **BROWN**, and sets forth the procedure whereby the change of name was effected, all in accordance with Section 605.04(c) of the MPEP.

RECEIVED

14 JUN 2001

Legal Staff
International Division

In view of the accompanying declaration, it is respectfully submitted that the Petition to accept the second inventor's name change from Mr. David Colin SMITH to David Colin **BROWN** be granted.

The Commissioner is hereby authorized to charge the requisite 37 C.F.R. 1.17(h) petition fee of \$130 to counsel's Deposit Account No. 25-0120.

Respectfully submitted,

YOUNG & THOMPSON

By

Benoit Castel

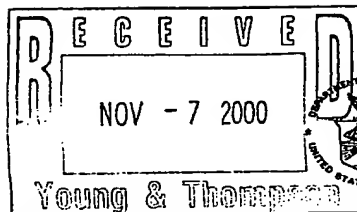
Benoit Castel
Attorney for Applicants
Registration No. 35,041
745 South 23rd Street
Arlington, VA 22202
Telephone: 703/521-2297

February 14, 2001

CIBL 10858 US

09/20/2001 SNAJARRO 00000090 250120 09601477

01 FC:122 130.00 CH



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/601477	PARTINGTON	K CIBL 10858 U
INTERNATIONAL APPLICATION NO.		
PCT/GB99/00194		
LA. FILING DATE	PRIORITY DATE	
20 JAN 99	04 FEB 98	
DATE MAILED: 01 NOV 2000		

YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2. ☐ Applicant's response filed _____ was received in the Office on _____, which is after the expiration of the period for response set in the last Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. ☒ Applicant's response filed 23 OCT 00 included the following items, the receipt of which is hereby acknowledged:

- ☐ Copy of the international application in:
 - ☐ a non-English language.
 - ☐ English.
- ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
- ☒ Oath or Declaration of inventors(s).
 - ☐ in compliance with 37 CFR 1.497(a) and (b).
 - ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s).
- ☐ Information Disclosure Statement(s).
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☐ Other:

4. ☐ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed _____) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

Charitta A. Burr, Paralegal
Telephone: 703-305-3734



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/601477	PARTINGTON	K CIBL 10858 U
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202		INTERNATIONAL APPLICATION NO. PCT/GB99/00194
		LA. FILING DATE 20 JAN 99
		PRIORITY DATE 04 FEB 98

DATE MAILED: 01 NOV 2000

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

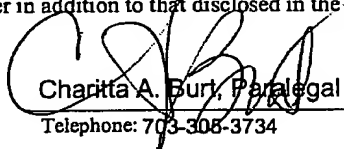
A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☐ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☒ does not identify the inventor(s). name change. MPEP 065.04(c))
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).


Charitta A. Burt, Paralegal
Telephone: 703-305-3734

I, DAVID COCIN SMITH

(full name)

of 6, ORCHARD CLOSE, HAELEY, STOURBRIDGE

(address)

in the County of

WEST MIDLANDS

DO SOLEMNLY AND SINCERELY DECLARE THAT

from this day forward I shall assume and adopt the name

of DAVID COLIN BROWN

and renounce completely my former name

of

DAVID COCIN SMITH

AND I MAKE THIS DECLARATION, CONSCIENTIOUSLY BELIEVING THE SAME TO
BE TRUE AND BY VIRTUE OF THE PROVISIONS OF THE STATUTORY DECLARATIONS
ACT, 1835.

Signed *DAVID BROWN*

Declared at. Citizens Advice Bureau, Halesowen

in the County of West Midlands

this 23rd day of July 1999

before me *V.M. Godfrey*

one of Her Majesty's Justices of the Peace in and for the County
of

Justice of the Peace
in the County of Worcestershire


NOTE Knowingly or wilfully making a false statement will be an offence
against Section 5 of the Perjury Act, 1911.

CITIZENS ADVICE BUREAU
49 SUMMER HILL
HALESOWEN
WEST MIDLANDS
B63 3BU
Tel: 01384 816181

DECLARATION

I, David Colin BROWN hereby declare that I changed my name from David Colin SMITH to David Colin **BROWN** on 23rd JULY, 1999, as evidenced by the accompanying Deed Poll document.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.




Former name: David Colin SMITH



Current name: David Colin **BROWN**

Date of execution:

 12/1/00